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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

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11 MAURICIO ROSALIO GUZMAN-) Case No. CV 15-9477-DMG (JPR)
12 SALINAS,))
13 Petitioner,) ORDER ACCEPTING FINDINGS AND
14 v.) RECOMMENDATIONS OF U.S.
15) MAGISTRATE JUDGE
16 TROY LUND et al.,))
17 Respondents.))
18) _____

19 The Court has reviewed the Petition, records on file, and
20 Report and Recommendation of U.S. Magistrate Judge. See 28
21 U.S.C. § 636. On July 5, 2016, Petitioner filed Objections,
22 stating that he has "no further objections" to the R. & R. in
23 light of Respondents' statement in their Reply that the U.S.
24 Citizenship and Immigration Service District Director would work
25 to arrange to have Petitioner brought to the U.S. Courthouse in
26 Los Angeles, administered the oath of allegiance, and issued a
27 certificate of citizenship. (Objs. at 1; see Reply at 6 n.1.)

28 On January 3, 2017, Petitioner filed a "Notice of Fraud on
the Court," attaching several documents. In it, he alleges that

1 Respondents have not assisted him in taking the oath of
2 allegiance but rather have again erroneously denied his
3 application for a certificate of citizenship. (Notice at 1.) He
4 attaches documents appearing to support his claim. (See, e.g.,
5 Notice Attach. at 4 (U.S. Citizenship and Immigration Services'
6 notice of intent to reopen application for certificate of
7 citizenship), 8 (decision denying request).) On January 27,
8 2017, Respondents filed a response, conceding that Petitioner's
9 citizenship application was once again erroneously denied but
10 stating that the error had been corrected (Resp. at 5 & Exs. 5, 6
11 ¶ 4) and that once Petitioner is released from prison, he will be
12 able to reactivate his application and take his oath of
13 citizenship (id.). Respondents also state that they tried on
14 four separate occasions to arrange for Petitioner to take the
15 citizenship oath during his prison term but were unsuccessful.
16 (Id. at 4.) Petitioner did not timely file a reply.

17 As the Magistrate Judge pointed out in the Report and
18 Recommendation, Petitioner has no right to be administered the
19 oath while incarcerated. (R. & R. at 6-7.) He apparently is due
20 to be released in less than a year (see Resp. at 1 (stating that
21 Petitioner will be released from prison in November 2017); Notice
22 Attach. at 8 (decision denying application, stating that
23 Petitioner represented that he "will not be released from Federal
24 Custody until January 2018")), and the Court fully expects
25 Respondents to keep their word and ensure that nothing – absent a
26 further court order – stands in the way of Petitioner being
27 administered the oath once he is released from prison. If
28 Petitioner encounters any such difficulties, he may file a

1 postjudgment request for relief.

2 The Court therefore accepts the findings and recommendations
3 of the Magistrate Judge. IT IS ORDERED that Respondents' motion
4 to dismiss is granted, the Petition is denied without prejudice,
5 and Judgment be entered dismissing this action.

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7 DATED: April 28, 2017

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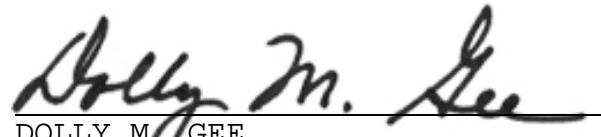
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DOLLY M. GEE
UNITED STATES DISTRICT JUDGE